

Contractor Licensing and Enforcement Section will investigate and work toward a resolution of the problem. If the permit is active, you should contact an Inspector by calling the Building Department's Office, (786) 315-2000 between the hours of 7:30 a.m. - 4:30 p.m. However, it may be necessary for you to hire a new contractor to complete the work or you may complete the work as an owner-builder, if you qualify by passing a verbal test.

What responsibilities do I have if I obtained the permit as an owner-builder?

If you have obtained an owner-builder permit to perform electrical, mechanical, plumbing or gas work, you must perform all work yourself and you cannot subcontract or hire day labor employees. If you are a holder of a building permit, you can subcontract to licensed contractors, use day labor or persons to be paid on an hourly per diem basis for the building trade. However, you will be responsible for all work done by your employees. Anyone contracting (including labor) with you, verbally or in writing, on a fixed fee basis for any work, who is not properly licensed, will be subject to a fine of \$500 and/or imprisonment for six months. Additionally, the hiring of an unlicensed contractor could subject you to a \$5,000 fine.

Are there any additional insurance requirements?

You should be advised that if your day labor employees cause any damage to persons or property, or if any of your day labor employees are injured on the job, you are liable. Your regular home insurance policy ordinarily DOES NOT cover this type of liability. Please check with your insurance agent.

A pool is being constructed on my property. Am I required to erect a safety barrier?

You are required to erect an approved safety barrier around the property or pool, under a build-

ing permit obtained from the Building Department, prior to final inspection of the pool. The safety barrier must also be inspected and approved by this department. Failure to comply will result in the issuance of a \$500 ticket to you, the property owner.

How long is my permit valid for and are inspections required?

Section 104 of the Florida Building Code requires that all construction work for which a permit is required shall be subject to inspection and approval by the Building Official. It is the responsibility of the permit holder to cause the work to remain accessible and exposed for inspection purposes.

Permits will expire and become null and void if work authorized by such permits has not commenced within 6 months from permit issuance or has been suspended or abandoned at any time for a period of 6 months. Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days.

Alex Penelas
Mayor



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A PERMIT HAS JUST BEEN ISSUED FOR WORK TO BE PERFORMED ON YOUR PROPERTY

HERE ARE ANSWERS TO SOME COMMON QUESTIONS YOU MAY HAVE



A public information service of

Miami-Dade Building Department

Permitting & Inspection Center
11805 S.W. 26th Street (Coral Way)
Miami, Florida 33175-2474
(786) 315-2000
Monday-Friday
7:30 a.m.-4:30 p.m.

www.miamidade.gov/bldg/

Records of the Building Department indicate that a permit was recently issued for the construction of an improvement on property you own. As a property owner, there are questions you may have and important information you need to know. The following will provide you with critical information.

As the owner of the property are there any requirements I need to know about?

Florida's Construction Lien Law (Chapter 713, Part One, Florida Statutes) requires the recording of a Notice of Commencement with the Clerk of the Courts for real property improvements greater than \$2,500. This notice must be signed by you, the property owner.

Under Florida law, those who work on your property or provide materials and are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

For your protection under the Construction Lien Law and to avoid the possibility of paying twice for improvements to real property, you must record a Notice of Commencement in the Clerk of the Court's Office. The Notice of Commencement must be signed by you, the owner contracting the improvement, and not your agent.

The Notice of Commencement must be completed and recorded within 90 days before starting the work. A copy is also to be posted on the job site. Please refer to the enclosed information package for more details and forms.

I have hired a licensed contractor who has obtained the permit. Is there anything I need to know?

Chapter 10 of the Code of Miami-Dade County and Chapter 489 of the Florida Statutes require that contractors be licensed. The Miami-Dade County Office of Building Code Compliance regulates licensed contractors and provides enforcement against unlicensed

contractors. By calling the Contractor Licensing and Enforcement Section at (305) 375-2901, you can be informed if there are any complaints against the contractor, whether or not the contractor is licensed and whether the contractor has current liability and worker's compensation insurance. Licensed contractors must have general liability and worker's compensation insurance in effect at all times.

It is also important to know that the 1995 Florida Legislature created the "Homebuyer's Protection Act". This Act amends several sections of Florida Statutes and was effective October 1, 1995. Most of the provisions are directed at commercial construction although some are directed at general construction. The following are some of the key provisions of the act.

- Section 489.1265(1) & (2) Florida Statutes provide that a contractor may not enter into an agreement with, or knowingly allow his certification to be used by, a person who is not certified or registered.
- Section 489.1265(3) provides that a contractor, except when working without compensation, may not obtain permits for construction work without first entering into a contract to perform improvements. A violation of this provision is a misdemeanor of the first degree and a subsequent violation is a felony.
- Section 489.126 requires that a contractor who receives money totaling more than 10% of the contract price for work on residential property must apply for the necessary permits within 30 days after payment is made and must start work within 90 days after all permits are issued, unless the person who made payment agreed to a longer period in writing.
- Section 489.1425 requires the contractor to notify residential property owners of a recovery fund no later than the date the owner makes the initial payment and at the time final payment is made. The contractor must inform the owner clearly and conspicuously in writing of how and where to file a claim and an explanation of consumers rights under the Construction Industry Recovery Fund.
- Section 713.165 provides that the owner may request from the contractor a list of all subcontractors and suppliers. This request must be in writing and delivered by Registered or Certified mail. Within 10 days after receipt of

the written request, the contractor must furnish the list. Failure to do so results in the forfeiture of the contractor's right to assert a lien against the owner's property.

Are there any early warning signs that I may be dealing with an unscrupulous contractor?

Yes. Early warning signs could include:

- A large down payment is requested before work begins.
- Many requests for money during early phases of construction.
- A verbal contract only, as person is not willing to put all terms in writing.
- You are asked to make your check payable to an individual's name or asked to make payment in cash or to make the check payable to "cash."
- The contractor suggests doing the work without permits or asks you, as the homeowner, to obtain the permit.

What should I do before making a final payment to the contractor?

The contractor should provide to you proof that all final inspections have been approved by the Building Department or provide a Certificate of Completion or Occupancy issued by the Building Department. If you want to verify that all inspection approvals have been obtained, you may call the Permit Records Section at (786) 315-2100.

Additionally, you should request final release of liens from any individuals or firms who have provided labor, material or supplies, especially those who have sent you a "Notice to Owner" letter.

What if my contractor abandons the work or if I have a complaint regarding his/her performance?

You can contact the Office of Building Code Compliance, Contractor Licensing and Enforcement Section at (305) 375-2901 and file a complaint. The